

REMARKS

Introduction

Claims 16-19, 21, 22, 29-54, and 72-93 will be pending in the instant application after entry of the above claim amendments. This paper amends claims 36 and 83-93. The amendments are fully supported by the original specification and no new matter has been added.

In the Final Office Action dated April 3, 2008, the Examiner (1) allowed claims 16-19, 21, 22, 29-35, 37-54, and 72-82; and (2) rejected claims 36 and 83-93 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants respectfully respond to the Final Office Action.

Interview Summary

A telephonic interview was conducted on July 18, 2008, between Examiner Joseph D. Torres of the U.S. Patent and Trademark Office and Anatoly S. Weiser, Reg. No. 43,229. Applicants and the undersigned attorney thank Examiner Torres for the courtesies extended during the interview.

Exhibits were not shown, demonstrations were not conducted, and art was not discussed during the interview. Section 101 rejections of claims 36 and 83-93 were discussed. Agreement regarding patentability of the rejected claims was not reached.

Information Disclosure Statement

Applicants respectfully submit that the Information Disclosure Statement filed on February 21, 2008 complies with 37 CFR 1.98(a)(2), as a legible copy of the non-patent literature publication (the corresponding PCT International Search Report, PCT/US2005/006635) was submitted to the U.S. Patent and Trademark Office on February 21, 2008. Previously, on January 5, 2006, Applicants submitted an Information Disclosure Statement including copies of each of the references cited in the corresponding PCT International Search Report, PCT/US2005/006635. The Examiner considered each of the cited references by initialing the citations and returning a copy of the Information Disclosure Statement to Applicants on April 25, 2006.

Applicants respectfully request that the information referred to in the Information Disclosure Statement filed February 21, 2008 be considered.

Claims Rejected under 35 U.S.C. § 101

In the Office Action the Examiner rejected claims 36 and 83-93 under 35 U.S.C. § 101 alleging the claims are directed to non-statutory subject matter. Applicants have amended claims 36, 83-88, and 92-93. The amendments are fully supported by the original specification, for example see paragraph 77, and no new matter has been added.

Applicants respectfully submit that Claims 36 and 83-93 are directed to statutory subject matter. For example, claim 36 recites a “computer readable media comprising code for causing a computer to receive . . .” Applicants submit that as amended, claim 36 recites statutory subject matter. Thus, applicants submit that claim 36 is patentable. In addition, claims 83-93 depend, either directly or indirectly, from claim 36 and are also patentable.

Allowed Claims

Applicants gratefully acknowledge the notification of allowance of claims 16-19, 21, 22, 29-35, 37-54, and 72-82.

CONCLUSION

In view of the foregoing, Applicants submit that all pending claims, claims 16-19, 21, 22, 29-54, and 72-93, in the application are in condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Applicants hereby petition for a two (2) month Extension of Time under 37 CFR § 1.136(a) to extend the period of response from July 3, 2008 to September 3, 2008. The appropriate fees under 37 CFR § 1.17 are submitted herewith.

If it is determined that additional fees are due, the Commissioner is hereby authorized to charge payment of any fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 17-0026. If necessary, Applicants request, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully submitted,

Dated: September 3, 2008

By: /Alan C. Gordon/
Alan C. Gordon, Reg. No. 51,220
(858) 658-5294

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 845-4040
Facsimile: (858) 845-3941